

### Long term effects of large Oil spill

Richard Franklin to: moon.wally, terada.calvin

04/30/2010 04:46 PM

I will try to get some resources for you, but I caution that if people are going to compare this Gulf of Mexico Spill with the Exxon Valdez, they shouldn't! Its like comparing apples with dogs. different oil, different ocean and energy system, different shoreline, different weather, different ecosystem. Will try to get you something soon.

Richard Franklin Federal On-Scene Coordinator U.S. EPA Region 10 Oregon Operations Office 805 SW Broadway, Suite 500 Portland, OR 97205

Office: (503) 326-2917 Cell: (503) 475-4178



#### Re: OECA/OSWER enforcement/liability under OPA 90

Richard Franklin to: Chris Petersen

05/05/2010 06:31 AM

Thanks. And I'm very aware of this clause. Forgot to mention it yesterday. But it is correct - we have long believed the law was intended for the specific facility and spill. OECA has recently been pushing the envelope on several related issues. Will get back to you on caps.

Chris Petersen

---- Original Message -----

From: Chris Petersen

**Sent:** 05/05/2010 07:48 AM CDT

To: Richard Franklin; Craig Carroll

Subject: Fw: OECA/OSWER enforcement/liability under OPA 90

FYI

J. Chris Petersen
Deputy Associate Director
Prevention and Response Branch (6SF-P)
U.S. EPA Region 6
214.665.3167 office
214.665.7447 fax

---- Forwarded by Chris Petersen/R6/USEPA/US on 05/05/2010 07:48 AM ----



OECA/OSWER enforcement/liability under OPA 90

DSmithEPA to: Chris Petersen, carrol.craig

05/05/2010 12:31 AM

# Ex. 5 Deliberative Process (DP)



Hey Greg,

I'm getting lots of questions about this topica, but its one I donmt know much about. I'd also stepped out of our class when you were teaching it. Can you help me out. I'm currently in Seattle for training but available.

Thanks,

Richard

05/05/2010 06:39 AM

By the way, this is specifically about the bp rig, but I'd still like to know anyway.

#### Richard Franklin

---- Original Message -----

From: Richard Franklin

**Sent:** 05/05/2010 09:36 AM EDT

To: "Greg Buie" <Gregory.W.Buie@uscg.mil>

Subject: Liability Caps under OPA

Hey Greg,

I'm getting lots of questions about this topica, but its one I donmt know much about. I'd also stepped out of our class when you were teaching it. Can you help me out. I'm currently in Seattle for training but available.

Thanks,

Richard



# Fw: LSU Scientists' Characterization of the Oil Composition \_Deepwater Horizon Spill

Richard Franklin to: carr.matthew, terada.calvin, field.chris, sibley.michael, Robert Whittier

05/05/2010 11:32 AM

Interesting. Please see below.

Richard Franklin Federal On-Scene Coordinator U.S. EPA Region 10 Oregon Operations Office 805 SW Broadway, Suite 500 Portland, OR 97205

Office: (503) 326-2917 Cell: (503) 475-4178

---- Forwarded by Richard Franklin/R10/USEPA/US on 05/05/2010 11:29 AM ----

From: Craig Carroll/R6/USEPA/US

To: Donaldp Smith/R6/USEPA/US@EPA, Richard Franklin/R10/USEPA/US@EPA

Date: 05/04/2010 09:35 PM

Subject: Fw: LSU Scientists' Characterization of the Oil Composition

Thought you two might be interested. I owe you a call Richard!

Craig Carroll

Chief, Emergency Readiness Section

EPA Region 6 Ph: 214-665-2220 Fax: 214-665-9718

---- Forwarded by Craig Carroll/R6/USEPA/US on 05/04/2010 11:30 PM ----

From: Bryon Griffith/GMPO/USEPA/US

To: Al Armendariz/R6/USEPA/US@EPA, Beverly Banister/R4/USEPA/US@EPA, Craig

Carroll/R6/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA,

Debbie Dietrich/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, Franklin

Hill/R4/USEPA/US@EPA, Gilberto Irizarry/DC/USEPA/US@EPA, Scott Gordon

<gordon.scott@epa.gov>, Janet Woodka/DC/USEPA/US@EPA, Jim

Giattina/R4/USEPA/US@EPA, Lawrence Starfield/R6/USEPA/US@EPA, Matt

Taylor/R4/USEPA/US@EPA, Nanci Gelb/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA,

Sam Coleman/R6/USEPA/US@EPA, Shane Hitchcock/R4/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, Carl Terry <terry.carl@epa.gov>, Allison Wise

<wise.allison@epa.gov> 05/04/2010 09:05 PM

Subject: LSU Scientists' Characterization of the Oil Composition

Attached is an assessment of the composition of a sample of the oil spill conducted by LSU for NOAA's Sea Grant program. The information was apparently compiled and forwarded a week ago to NOAA. In the event you had not seen this characterization I wanted to make sure you had it as it will certainly further inform the clean-up strategies should the oil reach marshes and shorelines.

Bryon

Date:





05/12/2010 12:13 PM



Richard Franklin Federal On-Scene Coordinator U.S. EPA Region 10 Oregon Operations Office 805 SW Broadway, Suite 500 Portland, OR 97205

Office: (503) 326-2917 Cell: (503) 475-4178

Edwin Quinones Good question, Ross. After re-reading OPA I ha... 05/12/2010 11:52:39 AM

From: Edwin Quinones/R6/USEPA/US
To: Ross Elliott/DC/USEPA/US@EPA

Cc: Ben Harrison/R6/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA, James

Michael/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, Lee Tyner/DC/USEPA/US@EPA, Mario lerardi/DC/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Nancy Jones/R6/USEPA/US@EPA, Steve

Vargo/R6/USEPA/US@EPA, Terry Sykes/R6/USEPA/US@EPA

Date: 05/12/2010 11:52 AM

Subject: Re: Fw: Mathy Stanislaus Request



Ed Q. 214-665-8035 469-463-5487 cell

Re: Fw: Mathy Stanislaus Request



Re: Fw: Mathy Stanislaus Request

Ross Effort to: Edwin Quinones

05/12/2010 12:01 PM

Ben Harrison, James Bove, James Michael, John Michaud, Johnpc Co. Fogarty, Lee Tyner, Mario Ierardi, Mark Peycke, Mary-Kay Lynch, Nancy Jones, Steve Vargo, Terry Sykes

(b) (5)		
Thanks.		
Ross		
,		
Edwin Quinones	Based on our 9 a.m. phone call this morning, I a	05/12/2010 12:53:53 PM



#### Fw: EOC Special Situation Report: BP Oil Spill Situation Report #8

Richard Franklin to: R10-000 Mail Group

06/02/2010 12:06 PM

Not for external distribution......

Richard Franklin Federal On-Scene Coordinator U.S. EPA Region 10 Oregon Operations Office 805 SW Broadway, Suite 500 Portland, OR 97205

Office: (503) 326-2917 Cell: (503) 475-4178

---- Forwarded by Richard Franklin/R10/USEPA/US on 06/02/2010 12:10 PM ----

From: Calvin Terada/R10/USEPA/US

To: Marianne Holsman/R10/USEPA/US@EPA, Jeff Philip/R10/USEPA/US@EPA, Mark

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Allen/R10/USEPA/US, Suzanne Powers/R10/USEPA/US@EPA, Ted Mix/R10/USEPA/US@EPA,

Richard Franklin/R10/USEPA/US@EPA, Wally Moon/R10/USEPA/US@EPA, Seiko Kusachi/R10/USEPA/US@EPA, Robert Whittier/R10/USEPA/US@EPA, Angie

Lopez-Mercado/R10/USEPA/US@EPA

Date: 06/02/2010 11:02 AM

Subject: Fw: EOC Special Situation Report: BP Oil Spill Situation Report #8

Folks.

FYI

Calvin

Calvin J. Terada Manager

Emergency Response Unit U.S. Environmental Protection Agency - Region 10 1200 Sixth Avenue, Suite 900, ECL-116 Seattle, WA 98101 (O) (206) 553-4141 (F) (206) 553-0175 ---- Forwarded by Calvin Terada/R10/USEPA/US on 06/02/2010 11:01 AM ----

From: EOC Planning

To: OSWER OEM EOC Situation Reports@EPA

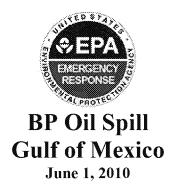
Date: 06/01/2010 03:42 PM

Subject: EOC Special Situation Report: BP Oil Spill Situation Report #8

Sent by: Lisa Boynton

#### For Internal EPA Use Only

# **EPA Emergency Operations Center Special Situation Report #8**



#### Situation

On April 21, 2010, the mobile offshore drilling unit (MODU) Deepwater Horizon, owned and managed by Transocean for BP, sunk after an onboard explosion and fire. The MODU was located in the Gulf of Mexico, 51 miles southeast of Venice, Louisiana. The wellhead is located 5,000 feet below the surface on the Gulf floor. The blowout preventer (BOP) on the wellhead failed to function properly and, according to estimates from the National Incident Command's Flow Rate Technical Group on May 30, the oil spill flow rate is approximately between 12,000 and 19,000 barrels of crude oil per day.

To date, efforts by BP to stop the oil release have been unsuccessful. After the failure of the Top Kill option, the operation began to transition to begin cutting off the riser pipe and attaching either the Lower Marine Riser Package (LMRP) Top Cap or Top Hat containment devices. The first cut is expected today, June 1, and may take up to 48 hours. Once the riser is cut, there will be a period of increased uncontained product flow for approximately 72-96 hours. Dispersants will be injected into the plume during that time.

In addition to the Top Cap/Top Hat effort to contain the leak, BP is drilling two relief wells. The relief wells are not expected to be completed until August.

The USCG is the lead for the federal environmental response in the coastal zone, and oversees response operations. The Secretary of Homeland Security classified the oil discharge related to this incident as a Spill of National Significance (SONS). The USCG Commandant is designated as the National Incident Commander (NIC).

Skimming operations, chemical dispersant application, in-situ burning, and deployment of containment boom have been employed to limit the impact of the oil release. As of June 1, approximately 1,688 vessels, and approximately 16,000 personnel are involved in the response.

A total of approximately 126 miles of Louisiana coastline have been impacted by the spill; approximately 31 miles of impacted coastline are heavily impacted marsh land. There have been confirmed reports of oil tar balls in Louisiana, Mississippi, Alabama, and Florida. NOAA observations indicate that small portions of very light oil sheen have reached the Gulf Loop Current.

Wildlife impact to date totals approximately 890 animals, approximately 720 of which were fatalities. Thirty-three National Wildlife refuges and eight National Park Service facilities could potentially be impacted as well.

#### Actions Taken

This week, EPA Administrator Lisa P. Jackson is on her fourth trip to the Gulf Coast to observe coastline protection and cleanup activities and meet with community members to discuss ongoing efforts to mitigate the oil's impacts on public health and the environment.

EPA Emergency Operations Center (EOC) in Washington, DC and its Regional Emergency Operations Center (REOC) in Region 4 (Atlanta) and Region 6 (Dallas) are activated and fully staffed.

HQ EOC's Public Information group posts updated air sampling, air monitoring, water sampling, sediment sampling data, and waste management information at http://www.epa.gov/bpspill/.

EPA continues to provide technical and monitoring assistance in support of USCG's oil spill response. In addition, EPA is planning for, and responding to, shoreline cleanup activities.

Due to the unknowns about the overall impacts, EPA and the USCG have concluded that a reduction in dispersant use is warranted, pending further analysis. On May 26, 2010, the EPA and USCG issued Addendum #3 to the original order, ordering BP to eliminate the surface application of dispersants unless approved in writing by the Federal On-Scene Coordinator (FOSC), and to limit the subsurface application of dispersant to not more than 15,000 gallons in a single calendar day.

EPA continues air monitoring for volatile organic compounds (VOCs) using our Airborne Spectral Photometric Collection Technology (ASPECT) airplane and both of our Trace Atmospheric Gas Analyzer (TAGA) buses. ASPECT aircraft continues to report on controlled burns. EPA personnel continue to investigate reports of potential spill-related odors.

#### **Key Issues**

Response efforts are on-going to contain the oil discharges from the well head.

Media interest remains high. National news articles continue to be published daily. Concerns include: affect of hurricanes on oil plume; potential toxicity of dispersants; oil damage in sensitive salt marshes; oil damage to wildlife and the environment; potential subsurface oil and/or oil plume moving into the Gulf Loop Current, pursuit of criminal and civil investigations into the oil spill; and the spill hitting the beaches in Alabama and Mississippi.

Louisiana Governor Bobby Jindal has reported that Louisiana is developing a plan for a chain of sand

berms that would skirt the state's coastline and across the barrier islands. The berms would be made with sandbags and dredged sand berms. The U.S. Army Corps of Engineers granted partial approval for the barrier island project proposal.

NOAA has closed roughly 26% of commercial and recreational fisheries in the waters of the Gulf of Mexico affected by the oil spill and continue to consider additional closures.

#### **Future Actions**

Preparations are being made for a marshland cleanup alternative technology workshop scheduled for Saturday, June 5 at Tulane University. The workshop will be by invitation only to academia, outside and government scientists, with the goal of identifying and piloting selected approaches to cleaning marshes.

EPA will inventory ongoing and planned Gulf survey and sampling efforts conducted by federal, state and other organizations to assess the overall Gulf sampling effort. The inventory will be used to assess overlaps and identify gaps in sampling and monitoring design. Guidance will also be developed to provide feedback to sampling organizations, including where future sampling information is most needed.

The Headquarters EOC is monitoring the overall response to this incident, coordinating with the National Response Team, and will provide additional updates as needed. If you have any questions regarding this incident, please contact the HQ Emergency Operations Center at 202-564-3850.

Sent by the US EPA HQ EOC Planning Support Chief

Email Address: EOC\_Planning@epa.gov

Desk Phone: 202.250.8904 Main Phone: 202.564.3850

\*\* This email address is a position specific email box.



### Re: What do You Make of Cameron's DeepWater Experts Summit at EPA-HQ?

Richard Franklin to: Kevin Easley

06/03/2010 05:02 PM

He makes a good point. I had no idea these folks had been assembled. Even though we're not in charge of this one, its embarrassing that no one from EPA was there.

From: Kevin Easley [knk4jack@aol.com]

Sent: 06/03/2010 07:54 PM AST

To: Richard Franklin

Cc: Kevin Easley < Kevin. Easley @hq.doe.gov>

Subject: What do You Make of Cameron's DeepWater Experts Summit at EPA-HQ?

## James Cameron says 'morons' charged with fixing Gulf oil spill

Updated 4:39 p.m.

By Garance Franke-Ruta

"Avatar" and "Titanic" director James Cameron on Wednesday evening criticized those responsible for stopping the geyser of oil flowing into the Gulf of Mexico and again offered the assistance of the private team of deep-sea experts with whom which he has worked on several underwater films and exploration efforts.

"Over the last few weeks I've watched, as we all have, with growing horror and heartache, watching what's happening in the Gulf and thinking those morons don't know what they're doing," Cameron said at the D: All Things Digital conferencesponsored by The Wall Street Journal near Los Angeles.

Cameron developed expertise in deep sea robotic vehicles and submersibles over a period of 22 years, he said. That's led to the filming of two documentaries about the Titanic, as well as the feature film of that name, which at the time was the highest-grossing feature film ever. He also directed "The Abyss."

"Wait a minute, I know a lot of smart people in deep submergence," Cameron said he thought as the Gulf crisis deepened. "Why don't I just get all these people that I know together for a brainstorming session?"

Cameron told the audience that on Tuesday he had gathered 23 people -- a "who's who" of the deep sea robotics community -- together through the auspices of the Environmental Protection Agency in Washington, though no one from the EPA attended the meeting at the agency's headquarters.

Four other federal agencies also took part in the "listening session," a spokesperson for the EPA said, including the Department of Energy, the United States Coast Guard, the White House Council on Environmental Quality and the National Oceanographic and Atmospheric Administration.

"We're writing it all up and putting it in reports to various agencies," Cameron said of the meeting's results.

Other groups represented at the meeting included the Woods Hole Oceanographic Institute; the Oceanographic Institute at Harbor Branch, Florida Atlantic University; Deep Oceans Expeditions; the PP Shirshov Institute of Oceanology and Phoenix International.

Cameron said he has not been in touch with anyone from the White House, and that earlier proffers of assistance he had made to BP were rebuffed.

"They could not have been more gracious but they basically said, 'We've got this,'" he said. Cameron said one reason he hoped his offer of access to private film-equipped deep-water vehicles would be taken up was to more accurately convey what was happening under water.

"The government really needs to have its own independent ability to go down there and image the site, survey the site and do its own investigation and monitor it," Cameron said. "Because if you're not monitoring it independently, you're asking the perpetrator to give you the video of the crime scene."

This is not the only instance in which Cameron's film work has also had technical implications of potential interest outside of Hollywood. In April, it was reported that he was "working with Malin Space Science Systems Inc. of San Diego to build an updated camera that, if completed in time, will be installed on the Mars Science Laboratory rover" Curiosity, scheduled to be launched in 2011, according to Computerworld. The camera would have 3-D and zoom capacities similar to those used in Cameron's recent movie projects.



## Re: Policy Argument Circulating that USG (& EPA Requirements) May have Hindered Gulf Cleanup

Richard Franklin. to: Kevin Easley

07/08/2010 04:46 PM

No. Never heard of it. But I can quietly ask around. Am well. Currently doing an inspection of a large terminal in Portland. Will try to call soon.

---- Original Message -----

From: "Easley, Kevin" [Kevin.Easley@hq.doe.gov]

Sent: 07/08/2010 04:05 PM AST

To: Richard Franklin

Subject: Policy Argument Circulating that USG (& EPA Requirements) May have

Hindered Gulf Cleanup

Richard,

See below. Any truth to the article inserted below?

How are you? Give me a shout soon.

K

202/586-8890 (O) 703/516-2160 (H)

----Original Message----

From: Easley, Kevin

Sent: Thursday, July 08, 2010 11:34 AM

To: 'Lawrence.Rob@epamail.epa.qov'; Rockwell.Theodore@epamail.epa.qov

Cc: Easley, Kevin

Subject: Policy Argument Circulating that USG (& EPA Requirements) May have

Hindered Gulf Cleanup

Rob / Ted,

Below is the text of an email from a DOE colleague (a moderate who is a champion of energy efficiency) who has heard there were EPA regulatory approval barriers that may have impeded some vessels / technologies for skimming from being deployed during the ongoing response.

\*\*\*\*

"What do you know about this? Have you seen any news reports, etc., related to this point of view or is this simply way off base?"

\*\*\*\*

Here is the gist of the aforementioned policy argument: Basically that the Gulf spill was made much worse by the unwillingness of the US (and EPA more precisely) to permit the use of skimming/oil extraction technology that is

capable but does not remove enough/all of the oil from water returned.

Additionally, here is a recent article making that argument in some detail.

Let me know what you two know, and whether you have seen / countered this policy argument previously (or if EPA has done so publicly).

Best,

Kevin

\_\_\_\_\_

Avertible catastrophe

A drilling platform near the Transocean Discoverer Enterprise drillship burns off gas collected at the BP Deepwater Horizon oil spill on June 25, 2010 in the Gulf of Mexico

Lawrence Solomon, Financial Post \* Saturday, Jun. 26, 2010

Some are attuned to the possibility of looming catastrophe and know how to head it off. Others are unprepared for risk and even unable to get their priorities straight when risk turns to reality.

The Dutch fall into the first group. Three days after the BP oil spill in the Gulf of Mexico began on April 20, the Netherlands offered the U.S. government ships equipped to handle a major spill, one much larger than the BP spill that then appeared to be underway. "Our system can handle 400 cubic metres per hour," Weird Koops, the chairman of Spill Response Group Holland, told Radio Netherlands Worldwide, giving each Dutch ship more cleanup capacity than all the ships that the U.S. was then employing in the Gulf to combat the spill.

To protect against the possibility that its equipment wouldn't capture all the oil gushing from the bottom of the Gulf of Mexico, the Dutch also offered to prepare for the U.S. a contingency plan to protect Louisiana's marshlands with sand barriers. One Dutch research institute specializing in deltas, coastal areas and rivers, in fact, developed a strategy to begin building 60-mile-long sand dikes within three weeks.

The Dutch know how to handle maritime emergencies. In the event of an oil spill, The Netherlands government, which owns its own ships and high-tech skimmers, gives an oil company 12 hours to demonstrate it has the spill in hand. If the company shows signs of unpreparedness, the government dispatches its own ships at the oil company's expense. "If there's a country that's experienced with building dikes and managing water, it's the Netherlands," says Geert Visser, the Dutch consul general in Houston.

In sharp contrast to Dutch preparedness before the fact and the Dutch instinct to dive into action once an emergency becomes apparent, witness the American reaction to the Dutch offer of help. The U.S.

government responded with "Thanks but no thanks," remarked Visser, despite BP's desire to bring in the Dutch equipment and despite the no-lose nature of the Dutch offer --the Dutch government offered the use of its equipment at no charge. Even after the U.S. refused, the Dutch kept their vessels on standby, hoping the Americans would come round. By May 5, the U.S. had not come round. To the contrary, the U.S.

had also turned down offers of help from 12 other governments, most of them with superior expertise and equipment --unlike the U.S., Europe has robust fleets of Oil Spill Response Vessels that sail circles around their make-shift U.S. counterparts.

Why does neither the U.S. government nor U.S. energy companies have on hand the cleanup technology available in Europe? Ironically, the superior European technology runs afoul of U.S. environmental rules.

The voracious Dutch vessels, for example, continuously suck up vast quantities of oily water, extract most of the oil and then spit overboard vast quantities of nearly oil-free water. Nearly oil-free isn't good enough for the U.S. regulators, who have a standard of 15 parts per million -- if water isn't at least 99.9985% pure, it may not be returned to the Gulf of Mexico.

When ships in U.S. waters take in oil-contaminated water, they are forced to store it. As U.S. Coast Guard Admiral Thad Allen, the official in charge of the clean-up operation, explained in a press briefing on June 11, "We have skimmed, to date, about 18 million gallons of oily water--the oil has to be decanted from that [and] our yield is usually somewhere around 10% or 15% on that." In other words, U.S. ships have mostly been removing water from the Gulf, requiring them to make up to 10 times as many trips to storage facilities where they off-load their oil-water mixture, an approach Koops calls "crazy."

The Americans, overwhelmed by the catastrophic consequences of the BP spill, finally relented and took the Dutch up on their offer -- but only partly. Because the U.S. didn't want Dutch ships working the Gulf, the U.S. airlifted the Dutch equipment to the Gulf and then retrofitted it to U.S. vessels. And rather than have experienced Dutch crews immediately operate the oil-skimming equipment, to appease labour unions the U.S. postponed the clean-up operation to allow U.S. crews to be trained.

A catastrophe that could have been averted is now playing out. With oil increasingly reaching the Gulf coast, the emergency construction of sand berns to minimize the damage is imperative. Again, the U.S. government priority is on U.S. jobs, with the Dutch asked to train American workers rather than to build the berns. According to Floris Van Hovell, a spokesman for the Dutch embassy in Washington, Dutch dredging ships could complete the berms in Louisiana twice as fast as the U.S. companies awarded the work. "Given the fact that there is so much oil on a daily basis coming in, you do not have that much time to protect the marshlands," he says, perplexed that the U.S. government could be so focussed on side issues with the entire Gulf Coast hanging in the balance.

Then again, perhaps he should not be all that perplexed at the American tolerance for turning an accident into a catastrophe. When the Exxon Valdez oil tanker accident occurred off the coast of Alaska in 1989, a Dutch team with clean-up equipment flew in to Anchorage airport to offer their help. To their amazement, they were rebuffed and told to go home with their equipment. The Exxon Valdez became the biggest oil spill disaster in U.S. history--until the BP Gulf spill.